



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------|------------------|
| 10/767,630 | 01/28/2004 | Ursula K. Ehmann | STNUN.001A | 5423 |
| 20995 | 7590 | 03/21/2006 | EXAMINER | |
| KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614 | | | DUNSTON, JENNIFER ANN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1636 | |

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|-------------------------------|--|
| Office Action Summary | Application No. 10/767,630 | Applicant(s) EHMANN ET AL. | |
| | Examiner Jennifer Dunston | Art Unit 1636 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Receipt is acknowledged of an amendment, filed 12/28/2005, in which claims 1, 3-9 and 11-20 were canceled; and claims 2 and 10 were amended. Claims 2 and 10 are currently pending and under consideration.

Any rejection of record in the previous office actions not addressed herein is withdrawn. New grounds of rejection are presented herein that were not necessitated by applicant's amendment of the claims since the office action mailed 8/26/2005. Therefore, this action is not final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Arguments - 35 USC § 112

The rejection of claim 4 under 35 U.S.C. 112, first paragraph, has been withdrawn in view of Applicant's amendment to the claims filed 12/28/2005.

Response to Arguments - 35 USC § 103

The rejection of claims 1 and 10 under 35 U.S.C. 103(a) as being unpatentable over Barsky et al in view of Crook et al has been withdrawn in view of Applicant's amendment to the claims filed 12/28/2005. The claims have been amended to recite "normal human bladder epithelial cells."

Claim Rejections - 35 USC § 102

Claims 2 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Logothetou-Rella et al (European Urology, Vol. 15, pages 259-263, 1988; see the entire reference). **This is a new rejection.**

Claim 2 is drawn to a method of culturing normal human bladder epithelial cells, comprising plating a confluent monolayer of non-proliferating epithelial cells and normal human bladder epithelial cells in a medium on a culture support. Normal human bladder epithelial cells are epithelial cells. Thus, the claim reads on a population of cultured normal human bladder epithelial cells that contains non-proliferating epithelial cells (e.g. senescent cells). Claim 10 is drawn to a culture produced by the method of claim 2.

Logothetou-Rella et al teach a method of culturing normal human bladder epithelial cells, comprising plating a confluent monolayer of human bladder epithelial cells in medium on a culture support and incubating the plated cells under conditions to allow the normal human bladder cells to proliferate, and a culture produced by said method (e.g. pages 259-260, Materials and Methods). The culture of Logothetou-Rella et al will necessarily contain non-proliferating human bladder epithelial cells as some cells stop dividing due to contact inhibition or senescence (e.g. page 260, left column, first paragraph and right column, Growth Characteristics and Cytology; paragraph bridging pages 262-263).

Therefore, claims 2 and 10 read on the teachings of Logothetou-Rella et al.

Conclusion

No claims are allowed.

Art Unit: 1636

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Dunston whose telephone number is 571-272-2916. The examiner can normally be reached on M-F, 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Remy Yucel can be reached at 571-272-0781. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR, <http://pair-direct.uspto.gov>) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

Jennifer Dunston, Ph.D.
Examiner
Art Unit 1636

jad

CELINE QIAN, PH.D.
PRIMARY EXAMINER

